

Date: April 2, 2002

Refer  
reply to: Standards of Conduct Number 04-02

Subject: Ethics Advisory

To: OCFO Employees

## **Purpose**

The following is a collection of recent rulings, guidelines, and legislations that govern employees of the Executive Branch and is issued to remind employees of the National Finance Center (NFC) that public service is a public trust. While several scenarios highlight current amendment changes, others identify and address the improper use of public office for private gain. It is the expectation of this agency and responsibility of each employee to place loyalty to the Constitution, laws, and ethical principles above private gain. It is with this premise that employees are encouraged to put forth an honest effort when conducting the performance of their duties.

## **Girl Scout Cookie Solicitations**

The annual Girl Scout cookie sale has started. Private fundraising, such as the Girl Scout cookie sale, is prohibited. The Combined Federal Campaign (CFC), or situations that the Secretary of the Department of Agriculture authorizes, are the only fundraising events allowed under Title 5 Code of Federal Register, Part 950.

## **Practice of Giving Federal Employees Time Off for Contributing to Combined Federal Campaign Found Illegal**

The Office of General Counsel recently issued an investigative report that found a Federal facility awarding improper incentives and establishing inappropriate goals in relation to the CFC campaign. The Federal facility gave employees time off for contributing over a certain amount to the CFC campaign. This was found to be inappropriate in that it misrepresented the administrative leave, thereby violating Federal regulations.

## **Hatch Act Violation Leads to Removal from Federal Position**

In Special Counsel v. Jack Simmons, the United States Merit Systems Protection Board (MSPB) found that a mail carrier who ran as an independent candidate for the Office of Sheriff in Jeff Davis

County, Georgia, could be removed from Federal service for violating Title 5 United States Code 7323(a)(3).

That statute prohibits Federal employees from running “for nomination, or as a candidate for election to a partisan political office.” MSPB found that the former Federal employee had ignored the advice of the Postmaster and an attorney from the Office of Special Counsel, both of whom had advised him not to run for office. MSPB concluded that the respondent’s conduct demonstrated a deliberate disregard for the law and removal was the appropriate sanction.

Please refer inquiries regarding this memorandum to your supervisor. Supervisors should contact the National Finance Centers Ethics Office at Extension 5-5679.

/S/

LINDA J. SIMMONS, Acting Chief  
Human Resources Management Staff